

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
VIRGINIA  
Alexandria Division  
UNITED STATES OF AMERICA :  
: :  
v. : : Criminal No.: 1:08CR271-01  
: : Honorable Gerald Bruce Lee  
PAUL PARK :  
: :  
Defendant. :  
:

## DEFENSE POSITION ON SENTENCING

COMES NOW PAUL PARK, Defendant in the above-styled case, by and through Counsel, and hereby presents this Court with his position on sentencing.

On August 8, 2008, Mr. Park appeared before Your Honor and timely accepted responsibility for his actions by submitting a guilty plea to Possession of a Firearm in Furtherance of a Drug Trafficking Offense in violation of 18 U.S.C. Sec. 924(c), thereby saving the government the time and expense of a trial.

According to his Presentence Report, this is a non-guideline offense and the Court is required to sentence Mr. Park to a minimum of 5 years of incarceration. Mr. Park agrees with this determination.

As the Court well knows, sentencing in federal courts is conducted pursuant to 18 U.S.C. Sec. 3553 (a), which reads in pertinent part that courts must consider “the nature and circumstances of the offense and the history and characteristics of the defendant” and then to impose only that punishment which “most effectively lessens the likelihood of future crime, either by deterring others or incapacitating the defendant.” U.S.S.G. ch. 1, pt. A, introductory cmt. 3. The guiding principle, however, is that a sentencing court

must impose only that sentence which is sufficient, but no greater than necessary, to accomplish the goals of the statute.

The goals of sentencing schemes in general- and the goals of the federal sentencing scheme in particular- speak of sentencing in terms of deterrence, incapacitation, rehabilitation, and just punishment. As the government set forth in its pleading, all of these goals can be achieved through the minimum sentence of 60 months in prison. Mr. Park agrees with the government on this. Therefore, Mr. Park asks the Court for a sentence of 60 months and to any other relief the Court deems appropriate.

Respectfully Submitted,  
PAUL PARK  
By Counsel

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/S/  
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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Beth Gibson AUSA.

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/S/  
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